

FISCAL NOTE

Bill #: SB0198

Title: Require inmate discharge on first day of month

Primary

Sponsor: Chris Christiaens

Status: As introduced/revised

Sponsor signature	Date	Dave Lewis, Budget Director	Date
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Fiscal Summary

	<u>FY2000 Difference</u>	<u>FY2001 Difference</u>
Expenditures:		
General Fund	(\$22,815)	(\$22,815)
Revenue:	\$0	\$0
Net Impact on General Fund Balance:	\$22,815	\$22,815

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	X	Significant Local Gov. Impact	X		Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts

Fiscal Analysis

ASSUMPTIONS:

1. Court response to potential sentence reduction will be similar to past court response to “good time”. The judicial system may increase the sentences given to offenders to offset this automatic sentence reduction.
2. The Department of Corrections (DOC) proposed 2001 biennial budget and Population Management Plan do not include provisions for county jail holding. The additional beds made available in FY 1999 as well as those planned in FY 2000 will eliminate the need to retain offenders in county jails pending placement in prison.
3. The average number of days saved per offender by this bill is 15 days. (Some will be discharged 30 days early; some will be discharged only 1 day early.)

(continued)

4. Based on a 3 month period from October to December 1998, the DOC estimates it will discharge the following number of offenders early per year; Montana State Prison (MSP) (50), Montana Women's Prison (MWP) (6), County jail holding (2), Great Falls Regional Prison (14), Pre-release (14), Intensive Supervision Program (ISP) (2).
5. The following costs per day are used to calculate the potential savings of this bill; MSP and MWP (\$6 variable cost), county jail (\$49), Great Falls Regional Prison (\$45), Pre-release (\$39), ISP (\$14).

FISCAL IMPACT:

	<u>FY2000</u> <u>Difference</u>	<u>FY2001</u> <u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	(\$22,815)	(\$22,815)
<u>Funding:</u>		
General Fund (01)	(\$22,815)	(\$22,815)
<u>Revenues:</u>	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Expenditure):</u>		
General Fund (01)	\$22,815	\$22,815

LONG-RANGE IMPACTS:

Similar savings could be expected in future biennia.

TECHNICAL NOTES:

1. This bill is in potential conflict with laws that require a minimum sentence. These laws include the following: 45-5-401, 45-5-502, 45-5-503, and 61-8-731, MCA.
2. This bill may be in violation of the federal Violent Offender Incarceration/Truth in Sentencing (VOI/TIS) program, which requires truth in sentencing. The DOC anticipates receiving approximately \$450,000 in Tier 2 VOI/TIS funding over the grant period. This return to "good time" provisions in sentencing may jeopardize this funding.
3. Since some offenders will benefit by up to 30 days and others will not, a challenge based on equal protection under the law can be anticipated.
4. Because the permissive language of this bill allows the DOC discretion in determining the offenders who will be released early, the DOC would be assuming liability for any offender's actions upon early release. This could offset any savings realized by the early release of offenders.